

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rulemaking to Set Hourly Rates for Purposes
of Calculating Intervenor Compensation
Awards, Pursuant to Public Utilities Code
Section 1801 and Following, for Work
Performed in Calendar Year 2005.

Rulemaking 04-10-010
(Filed October 7, 2004)

EXECUTIVE DIRECTOR'S REPORT

In the order instituting this rulemaking, the Commission directed utilities to provide data on what they pay their own legal and non-legal representatives appearing in Commission proceedings. As the Commission stated, "the utilities' costs of representation...will assist the Commission in setting hourly rates (for intervenors) in conformity with the standards of Public Utilities Code Section 1806." (*Id.*, page 3, Conclusion of Law.) The Commission further directed that I review the utilities' data in relation to the Commission's own costs of representation:

"Hourly rates paid by the Commission itself to its staff and consultants are also relevant under Section 1806, which says in part that the compensation we award "may not, in any case, exceed the comparable market rate for services paid by the commission or the public utility, whichever is greater" (emphasis added). We assume that hourly rates in the private sector generally exceed those paid by the Commission, but we will test this assumption by having our Executive Director review the data provided by the utilities. Following this review, the Executive Director will report instances, with appropriate data, in which the Commission has paid rates exceeding those paid by the utilities. Absent any such instances, the report need only note that fact, without further data."

(Resolution ALJ-184, page 5, appended as Attachment 2 to the Order Instituting Rulemaking.)

Accordingly, my staff has reviewed the data provided by the utilities in this rulemaking. My report, based on that review, is that the Commission has not paid rates exceeding those paid by the utilities.

Dated June 7, 2005, at San Francisco, California.

/s/ STEVE LARSON

STEVE LARSON
Executive Director

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Executive Director's Report on all parties of record in this proceeding or their attorneys of record.

Dated June 7, 2005, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.